

# Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222  
Website: [kbml.ky.gov](http://kbml.ky.gov)

Summer 2004

Danny M. Clark, M.D., President

## Board Members

### *President*

Danny M. Clark, M.D.  
Somerset

### *Vice President*

Preston P. Nunnolley, M.D.  
Lexington

### *Secretary*

Donald J. Swikert, M.D.  
Edgewood

C. William Briscoe, M.D.  
Corbin

Mary H. Davis, M.D.  
Louisville

Randel C. Gibson, D.O.  
Mayfield

Laxmaiah Manchikanti, M.D.  
Paducah

Linda A. Mumford, M.D.  
Owensboro

### *Consumer Representatives*

Ms. Roszaln Mack Adkins  
Lexington

Ms. M. Lynn Fischer  
Louisville

Kathie E. Grisham, Esq.  
Covington

### *Ex-Officio Members*

William Hacker, M.D.  
Acting Commissioner  
Department for Public Health

Laura Schweitzer, Ph.D., Acting Dean  
University of Louisville School of Medicine

John A. Strosnider, D.O., Dean, Pikeville  
College School of Osteopathic Medicine

Jay A. Perman, M.D., Dean  
University of Kentucky College of  
Medicine

C. William Schmidt, Executive Director

## Legislative Changes To Kentucky Medical Practice Act

The 2004 Legislative Session of the Kentucky General Assembly proved to be a very productive experience for the Kentucky Board of Medical Licensure. The Board was involved in the deliberation of several pieces of legislation during the three-month period.

One of the bills that we were directly involved in was HB 456, sponsored by Representatives Robert Damron and Bob DeWeese and was filed on our behalf. This bill made changes in the Medical Practice Act in four specific areas. First, it creates a "Special Faculty License" that will allow our medical schools to have greater flexibility to recruit quality faculty members and its creation was requested by the Deans of the medical schools. Secondly, it requires program directors of a postgraduate training program in the state to report trainees who are released or discharged from their training program for disciplinary reasons. Thirdly, it makes some "housekeeping" changes relating to the Physicians Health Foundation program and provides statutory authority for the Board's Executive Director to issue temporary permits to physician assistants. The Board extends its appreciation to Representative Damron and Representative DeWeese for their assistance.

Another bill of interest to the Board was SB14, sponsored by Senator Richard Roeding. This bill, a product of the Prescription Drug Abuse Task Force, expands the authority of the Cabinet for Health and Family Services to share KASPER reports and information with the Board concerning physicians that are possibly over prescribing controlled substances.

The State General Assembly also provided the Board with the additional responsibility of certifying all surgical assistants in the Commonwealth. This action was the result of SB206, which creates a six member Advisory Committee for Surgical Assistants that will report to the Board. As a result of the bill's passage, Board staff is working with the surgical assistant profession to implement the requirements of the bill.

If you would like to review a copy of these legislative changes, you can access them at [lrc.ky.gov/home.htm](http://lrc.ky.gov/home.htm).

## Requirements of Refill Authorization

It is the State Board of Pharmacy's opinion that prescriptions issued whether by written or telephonic format that consist of the words "ok to refill all regular meds" in relation to authorization for refilling prescriptions does not constitute a legitimate order. By law a prescription must contain the full name of the patient, name of the drug, strength, dosage form, quantity prescribed, directions for use and date that prescription was issued. By providing complete prescription information, it will assist the pharmacist in providing the checks and balances before the final dispensation to the patient. As you know there are additional requirements for controlled substance prescriptions.

---

## KBML Receives Top Ranking for 2003

Public Citizen, a national, nonprofit consumer advocacy organization based in Washington D.C., recently announced the results of their annual report that ranks state medical boards on the number of disciplinary actions taken in 2003 against physicians. Based on the Annual Summary of Board Actions published by the Federation of State Medical Boards, the Kentucky Board of Medical Licensure received the report's top ranking for 2003.

Based on the data, Public Citizen's Health Research Group calculated the rate of serious disciplinary actions (revocations, surrenders, suspensions, and probations/restrictions) per 1,000 doctors in 2003. Kentucky was ranked #1 with 11.58 actions per 1,000 physicians. Historically, the Kentucky Board of Medical Licensure has ranked in the top 10 ranking for six of the past nine years, and the top 5 for the past five years.

According to Danny M. Clark, M.D., Board President, "The primary mission of the Board is to protect the citizens of the Commonwealth. Valuable tools such as KASPER, and our investigative and legal staff have allowed the Board to operate efficiently to fulfill this mission."

## Rice Leach, M.D. Retires

Dr. Leach, who has served on the Board since July 1992, as an Ex-Officio member, recently announced his retirement as Commissioner of Public Health. During his 12 years on the Board Dr. Leach earned the respect and admiration of his peers who had the opportunity of being associated with him.

## Board Disciplinary Action

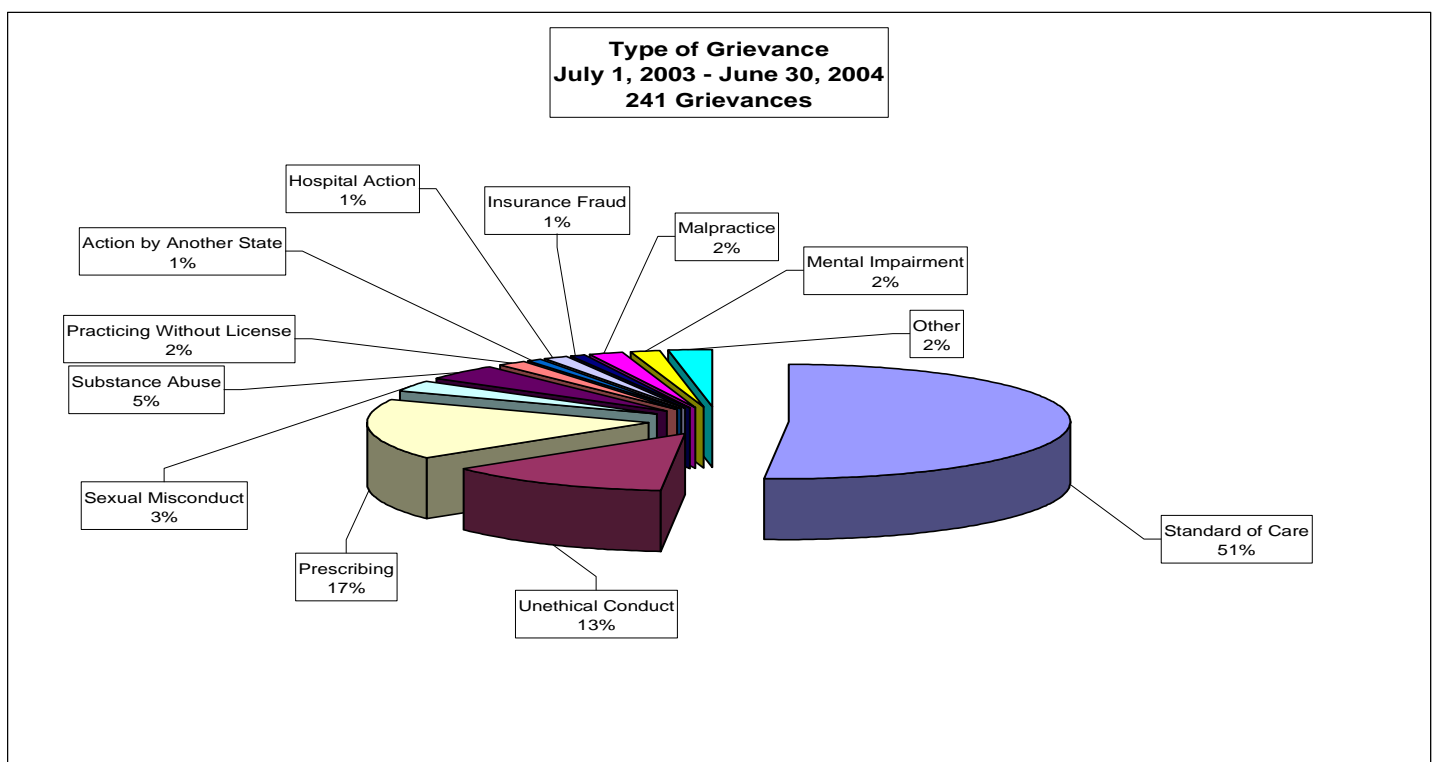
It has been said that the summary of the Board's disciplinary action is the best-read section of the newsletter. No physician wants to see his or her name on these lists.

All regulatory boards like the Kentucky Board of Medical Licensure have a responsibility to inform the public about their actions. By law the Board actions imposing disciplinary action are also reported to the National Practitioner Data Bank. Board Orders are a matter of public record and must be provided upon request. In certain types of cases, the Board enters in a Letter of Agreement wherein the physician agrees to work with the Kentucky Physicians Health Foundation. These types of agreements are not considered public record and are not reported.

It is important to remember that a mere summary of the Board's action by nature cannot tell the full story and complete copies of the Board's Findings and Final Orders are available on its website at [kbml.ky.gov](http://kbml.ky.gov).

## Type of Grievance

The chart below depicts the type of grievance received in the Board's office against physicians practicing in the state during the past fiscal year.



## Final Disciplinary Actions

### **Lowell G. Arnett, M.D., #35139, Fayette Co.**

Order Denying Request to Approve Employment issued 6/14/04.

### **Richard W. Arnold, M.D., #18408, Harrison Co.**

Amended Agreed Order of Indefinite Restriction entered into 6/14/04.

### **Wallace N. Bell, M.D., #12807, Henderson Co.**

Order Denying Motion to Terminate Probation issued 4/1/04.

### **Randall S. Brown, M.D., #18596, Henderson Co.**

Order of Suspension issued 6/2/04.

### **Don V. Bryson, M.D., #20818, Johnson Co.**

Agreed Order entered into 6/3/04.

### **Galen E. Castle, M.D., #22255, Rowan Co.**

Agreed Order of Indefinite Restriction entered into 6/16/04.

### **Don E. Cloys, M.D., #14868, Madison Co.**

Agreed Order of Indefinite Restriction entered into 5/24/04.

### **Thomas C. Crain, M.D., # 28770, Spencer Co.**

Agreed Order of Indefinite Restriction entered into 4/22/04.

### **Yakov G. Drabovskiy, D.O., # 02603, Lawrence Co.**

Order of Revocation issued 6/15/04.

### **Robert D. Fant, M.D., #19111, Barren Co.**

Amended Agreed Order of Indefinite Restriction entered into 5/19/04.

### **Robert M. Gevedon, M.D., #29767, Fayette Co.**

Agreed Order of Indefinite Restriction entered into 6/23/04.

### **Kermit D. Gibson, D.O., # 02080, Pike Co.**

Agreed Order of Indefinite Restriction entered into 4/20/04.

### **Ghassan Haj-Hamed, M.D., #33002, Campbell Co.**

Agreed Order of Indefinite Restriction entered into 6/17/04.

### **Henry A. Jones, M.D., #13006, Greenup Co.**

Agreed Order of Indefinite Restriction entered into 5/28/04.

### **Omar Lopez-Samayoa, M.D., #23139, Out of State.**

Agreed Order of Indefinite Restriction entered into 5/21/04.

### **Brent A. Madison, M.D., #33995, Breckinridge Co.**

Amended Agreed Order of Indefinite Restriction entered into 5/24/04.

### **F. Christopher Massa, M.D., #34943, Fayette Co.**

Agreed Order of Indefinite Restriction entered into 3/12/04.

### **Thomas J. Moore, M.D., #22596, Whitley Co.**

Agreed Order of Surrender entered into 5/20/04.

### **Antolin J. Perez, M.D., #16471, Jefferson Co.**

Amended Agreed Order of Indefinite Restriction entered into 4/26/04.

### **Clifford A. Poppens, M.D., #19839, Daviess Co.**

Order Terminating Agreed Order of Suspension; Probation issued 4/14/04.

### **Thomas P. Rankin, M.D., #19902, Jefferson Co.**

Third Amended Agreed Order of Indefinite Restriction entered into 3/25/04.

### **Harold L. Reams, M.D., #14359, Fayette Co.**

Agreed Order of Surrender entered into 6/22/04.

### **Richard G. Ruhling, M.D., #36268, Out of State.**

Agreed Order of Surrender entered into 5/19/04.

### **Bruce C. Smith, M.D., #17274, Hickman Co.**

Amended Agreed Order of Indefinite Restriction entered into 6/14/04.

### **Robert S. Walsh, M.D., #33255, Pike Co.**

Order Terminating Amended Order of Indefinite Restriction issued 5/19/04.

### **Kimber A. Ward, Jr., M.D., #15201, Out of State.**

Order Reinstating Suspended License issued 2/19/04.

### **Fortune James Williams, M.D., #32740, Out of State.**

Order of Revocation issued 6/14/04.

### **Michael B. White, M.D., #37677, Boyle Co.**

Amended Agreed Order of Indefinite Restriction entered into 6/14/04.

### **Restrictions placed on the following physicians' licenses pending resolution of Complaint:**

#### **John L. Doyle, III, M.D., #31288, Montgomery Co.**

Complaint & Emergency Order of Suspension issued 3/10/04. Physician prevented from practicing medicine in Kentucky pending resolution of the Complaint. On 4/2/04 the Emergency Order of Suspension was modified to an Emergency Order of Restriction.

#### **Marilyn L. Conner, M.D., #28209, Fayette Co.**

Complaint & Emergency Order of Suspension issued 5/3/04. Physician prohibited from practicing medicine in Kentucky until resolution of Complaint. Effective 5/4/04.

#### **Howard D. Markowitz, M.D., #33813, Fayette Co.**

Complaint and Emergency Order of Suspension issued 6/17/04. Physician prevented from practicing medicine in Kentucky pending resolution of the Complaint. Effective 6/28/04.

#### **Brian T. O'Donoghue, M.D., #32124, Breckinridge Co.**

Complaint and Emergency Order of Restriction issued 3/1/04. Physician prohibited from prescribing, dispensing or otherwise professionally utilizing controlled substances until resolution of Complaint. On 4/22/04 the Jefferson Circuit Court enjoined the Board from enforcing its Emergency Order of Restriction.

#### **Emanuel H. Rader, M.D., #14827, Bell Co.**

Complaint and Emergency Order of Restriction issued 4/1/04. Physician is prohibited from prescribing, dispensing or otherwise utilizing controlled substances pending resolution of Complaint. On 6/3/04, Jefferson Circuit Court granted the motion for a temporary injunction of the Board's emergency order.

### **Action was also taken on the following physician's assistant:**

Gregory Hoskins, P.A.-C., #PA-267, Perry Co.  
Agreed Order of Reinstatement with Indefinite Restriction entered into 5/21/04.

---

---

**Kentucky Board of Medical Licensure**

**Change of Address Notice**

**Please Note:** The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at [kbml.ky.gov](http://kbml.ky.gov).

*(Please Print or Type Information)*

**Date:** \_\_\_\_\_

**KY License Number:** \_\_\_\_\_

**Name:** \_\_\_\_\_  
(last) (first) (m.i.)

**Mailing Address:** \_\_\_\_\_  
(street)

\_\_\_\_\_  
(city) (state) (zip)

**KY Practice County:** \_\_\_\_\_ **Office Telephone:** \_\_\_\_\_

**Practice Address:** \_\_\_\_\_  
(street)

\_\_\_\_\_  
(city) (state) (zip)

**E-Mail Address:** \_\_\_\_\_

---

---

**Kentucky Board of Medical Licensure**

Hurstbourne Office Park  
310 Whittington Parkway, Suite 1B  
Louisville, KY 40222

<p><b>Presorted Standard U.S. Postage Paid Louisville, KY Permit NO. 856</b></p>
--